

The Shashtiabdapurti medals instituted in memory of His Highness the late Maha Raja had not been awarded for the past four years. They should be awarded to the pupils who deserved them.

In the matter of public service, the Muslims had no sympathisers. For a long time past, they were not at all anxious to enter public service. But since then a few had qualified themselves for public service. All of them should be encouraged by being given suitable appointments. The Muslims were not fairly represented in any branch of the public service. Excepting two or three Police Inspectors, there were no gazetted officers among them. There was not even a single Muslim officer drawing a salary of over Rs. 175. For want of proper encouragement in Travancore, two Muslims had gone to British India where they were occupying good positions. Excepting a Third Class Magistrate and a Police Inspector, no other Muslim had been entertained in public service since the advent of the present Dewan. Although they were grateful for the two appointments, he could not disguise the fact that they had not yet got fair representation in the public service. A few years ago, when Muslims wanted certain high offices, they were told that there were no qualified men among them. But subsequently qualified men had become available. They should be entertained in service and given suitable appointments. There was not a single Muslim judicial officer even though there were qualified men for holding such appointments. Want of experience should not be a sufficient ground for refusing appointments to them. There were many Muslims eligible for appointment to the subordinate ranks of the public service. But the authorities concerned were not sympathetic towards them and the G. O. and circulars regarding preferential treatment were not strictly adhered to. In some departments, not even a single Muslim applicant had been appointed. Again, in many departments, Muslims were given only acting appointments; and even after 4 or 5 years of acting service they were not confirmed, although in the meantime others had been confirmed and promoted. Transfers from one department to another were sometimes effected. Such transfers adversely affected some officers in their promotions in some cases and led to supersessions in others. As instances in point, the member referred to the cases of Mr. Chandamiah, Retired District Superintendent of Police, and the Canal Officer, Alleppey. The latter was first entertained in the Public Works Department, then transferred to the Police Department as Motor Inspector, in which capacity he won the approbation of his superiors. But with the abolition of that post, he was transferred as Canal Officer. Such transfers affected his due promotion and he had submitted a memorial to the Government, which had not yet been taken up for consideration. It would be an act of injustice done to the Muslim community if his claims were not duly considered by the Government. Another case of hardship was that of a Muslim clerk in the Sub-Registrar's office, Quilon, who had put in a service of about 20 years. Although the District Registrar had recommended him several times for promotion, he had not yet been given any encouragement.

Based on population, the Muslims were entitled to three seats in the Legislative Council. At least two Muslim electorates should be formed for returning two members to the Council.

Bara-wa-fat was the birthday and also the day of demise of Mahomed the Prophet. That was considered as a holy day by the Muslims. It should therefore be declared a public holiday, in view of the fact that similar holidays were being given in respect of the founders of other religions.

Copies of the Holy *Koran* kept in courts were practically of no use. They should be removed from the courts.

A Regulation should be enacted for the safeguarding and the better management of *Wakf* property.

DEWAN'S REPLY: Mr. Muhammad, it is a very long list that you have here. If you will pick out four which you consider the most pressing requests and communicate them to the Chief Secretary, I will have them specially considered.

180. Needs of the Muslims.

MR. K. MUHAMMAD ALI (*Member, Nominated*) said that the mismanagement of *Wakf* properties of the Muslim community in Travancore had

assumed such dimensions as to call for protection and support at the hands of the Government. *Wakf* properties were those dedicated to the different ecclesiastical institution for religious or charitable purposes and for such other purposes as were conducive and incidental to the general welfare of the Muslim community. Unfortunately, the management of those properties had fallen into the hands of a few individual families or persons. The trustees so created were responsible to no one for their acts. Consequently, the purposes for which the properties were dedicated were very often forgotten. The trustees were strictly bound to utilise the income from those properties according to the terms creating the trusts. But in utter disregard of those terms and the preachings of the Prophet, the trustees exercised unfettered control over the properties and appropriated the income. The moral force of the community to compel the utilisation of the funds for the purpose intended was hardly sufficient to ensure the carrying out of the trust. The existing management had consequently given rise to serious complaints. The need for undertaking legislation for the proper management of such properties had become imperative and a commission with a Muslim majority should be constituted to go into the question and suggest measures for bringing the management under an administrative body with powers to control the endowments, to call upon the trustees to submit periodical accounts and to check the wastage and misapplication of money. The evils of the existing system had already been remedied in British India by the introduction of the *Wakf* Act, XLIII of 1923.

The commission so appointed should also be called upon to enquire into the laxity of management of mosques which were vested in hereditary trustees. Hereditary succession in such cases had gained a halo of sanctity by hoary antiquity only and not by any religious sanction. In fact, the system was an outrage on the principles enunciated by the Prophet. In the majority of cases, the trustees appropriated the mosque funds for their private ends. Restrictions governing the disposition of income derived from gifts, offerings, etc., were imperfect and inadequate. All attempts of the leaders of the Muslim community to solve the problem had ended in failure. The fight amongst the Muslims in the settlement of the problem was a stumbling block to their progress.

The Muslims were so disproportionately scattered all over the State in small groups that, in none of the Legislative Council constituencies, could they command a majority. Muslims could not therefore successfully contest the election in any constituency. One reason for the failure was the strong communal feeling actuating the voters. Christian candidates stood for election in constituencies where they formed a majority and Hindus in constituencies where they formed a majority. Further, there was a greater political understanding between the Christians and the Hindus. There were many opportunities to bring the communities in close contact *e. g.*, their large representation in the public service. The Muslims, who formed an important community, were denied similar privileges. There was only one nominated Mahomedan member in the Legislative Council. Nomination was not representation in its real sense, because the Government might nominate a person in whom the community had no confidence and, consequently, the Muslim interests might suffer. It would, therefore, be advantageous to reserve a certain number of seats in the Legislative Council for them, based on their numerical strength and to form a separate communal electorate to return members to the seats so reserved. It need not be feared that the principles of communal representation would render the outlook of the politicians parochial and narrow and lead to mutual discord and class hatred. In the member's view, only the absence of communal representation would lead to such results. Communal representation had been accepted as the political gospel in British India and also in most of the Indian States. Even in the western countries, special electorates were set apart for minority communities. In Bohemia, Germans had special electorates, while, in Cyprus, there were separate electorates for Muslims and non-Muslims. But nowhere had communal representation brought about class hatred. Col. Wedgewood had held that caste representation was conducive to national growth. The Muslims were so essentially different in their manners and customs from others that they could not be classified as part of a larger circle. Whatever be

the views of others on the question of communal representation, the Government should keep an open mind in the matter and remove all obstacles in the way of granting special electorates for Muslims. The need for such electorates had been brought to the notice of the Government by the Muslim member of the Council in the form of a resolution which was disallowed on a technical ground. But in view of what had already been stated, the member wished the Government to reconsider the question and satisfy an imperative need.

As regards representation of Muslims in public service, he was at one with the previous speaker in all that he stated.

DEWAN'S REPLY : Mr. Muhammad Ali, I have heard your representation with a good deal of interest. In Muslim countries, *Wakfs* and religious foundations are controlled by a separate department, almost like our Devaswom Department. In British India there is a system of trusts in regard to *Wakfs*.

MEMBER : In British India they are controlled by the Government.

DEWAN : They are controlled by the Government but not actually managed. Government will see that these trusts are properly managed if a request comes from the community as a whole. If the Mahomedan community in Travancore can make it perfectly clear to the Government that they wish to have a Regulation, like the one in British India, brought into force, Government will be pleased to assist them in such manner as they may deem fit.

Then, next, you also dealt with a measure to control the income and expenditure of mosques.

MEMBER : That is included in my first subject.

DEWAN : But that is not exactly the same thing.

MEMBER : The same body may manage both.

DEWAN : The same body may *manage* both ; but they are distinct matters.

You have already heard what I have said in the matter of changes in the Electoral Rules that have been pressed by various members of this Assembly in respect of their own communities. To put it very plainly, I do not like to experiment till the Legislative Council has stood a fair test. Therefore I do not propose to make any changes in the immediate future.

The other points will all be taken up and considered.

181. Needs of the Muslims.

MR. SHAIK MAHOMED MOHIDEEN ALIM SAHIB SHAHUL HAMEED SAHIB (*Member, Nominated*) in conveying an expression of the loyalty of the Muslims to Her Highness the Maha Rani Regent, said that the Muslims formed 15 per cent. of the total population of the State and contributed about 25 per cent. of the total revenue. But it was regrettable that they were not given due representation on the Legislative Council. According to their numerical strength, they could claim 8 out of the 50 seats in the Council. Even among the 35 seats assigned to non-officials, they ought to get 4 or 5 seats. Under the existing Electoral Rules, they could not get a fair representation, because communal considerations predominated in election campaigns in the general constituencies. It was therefore necessary to form special electorates for Muslims to return members to at least 4 seats which they could legitimately aspire to. The system of special electorates was in vogue in British India and it had the support of eminent men like Lord Morley, Lord Chelmsford and Mr. E. S. Montague. It would be beneficial to the Muslim community in Travancore if separate electorates be formed for them. The member wished that the same might be brought into effect during the regime of Her Highness the Maha Rani Regent and said that Her Highness's name would be fondly cherished for ever for the boon.

The member was glad that the Government had accepted the principle of communal representation in public service, and in support he referred to pages 1009 to 1052 of Vol. VI, and pages 420 to 461 of Vol. VII, of the Legislative Council.